

REMARKS/ARGUMENTS

Item (1)

Applicants note with appreciation that the Examiner has entered the amendment and response filed on March 14, 2006.

Applicants bring to the attention of the Examiner that claim 85 was canceled. Applicants cancel claim 96. Claims 82-84, 86-91, 93-95, and 97-117 are pending.

Item (2)

Applicants note with appreciation that the Examiner has withdrawn the rejections of claims 82, 86, 87, 89, and 94 under 35 USC §112, Second Paragraph for the term “comprising” in view of the amendment to the claims.

Item (3)

The Examiner maintains the rejection of claims 82 and 89 under 35 USC §112, First Paragraph “for failing to comply with the enablement requirement for other than one V is N and L is C2-C10 ...”

Applicants amend claims 82 and 89 to recite that “only one V is NR₁₂”. No new matter is added by this amendment.

In response to the enablement rejection based on the L Group, Applicants provided examples in Applicants’ Exhibits A-D demonstrating that people skilled in the art would have known to select the linker among those available. The Examiner alleges that the linkers recited in the Exhibits broadly reads on peroxide, disulfides as well as using the formylphenoxy acetic acid, furanyl etc. were not found in the Specification and nowhere in the literature to show these linkers will produce compounds that will have a commonality in biological activity as the exemplified C2-C10 compounds. The Examiner further alleges that none of the recitation of material by Applicants’ Exhibits A-D indicated any biological activity nor any support of an art recognized Markush variation having histone deacetylase inhibiting activity. The Examiner

asserts that the mere provision of the “language” does not constitute enablement.

Applicants disagree with the Examiner’s assessment of the examples previously provided by Applicants. However, in the interest of advancing prosecution of the present application, Applicants amend claim 82 to limit the atoms of L to carbon atoms. No new matter is added by the amendment. Claim 89 recites that L is -CH=CH-, such that the rejection based on Group L is not applicable.

Applicants submit that the amendments overcome the Examiner’s rejections; accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 82 and 89 under 35 U.S.C. § 112, First Paragraph.

Item (4)

Applicants note with appreciation that the Examiner has withdrawn the rejection of claim 82 under 35 U.S.C. § 112, Second Paragraph for the term “M” in view of the amendment to the claims.

Item (5)

Applicants note with appreciation that the Examiner has withdrawn the rejection of claim 82 under 35 U.S.C. § 102(a) or (f) over Vourloumis et al. (Tetrahedron Lett. 44 (2003) 2807-2811 (“Vourloumis”)) supplemented with CA139:133505 in view of the amendment to the claim.

Item (6)

The Examiner provisionally rejects claims 92-91, 93-95 and 96-117 under the judicially created doctrine of obviousness-type double patenting over pending claims of copending Application No. 10/803,580. The Examiner has suggested that a timely filed terminal disclaimer may be used to overcome the rejection.

Applicants note that the conflicting application No. 10/803,580 is commonly owned with the current application, and Applicants can provide a terminal disclaimer to overcome the rejection. Applicants respectfully request that the Examiner holds the rejection in abeyance until allowable and overlapping subject matters have been identified. Applicants further request that


the Examiner notifies the undersigned by telephone then, and the Applicants will promptly submit a terminal disclaimer to obviate the rejection.

CONCLUSION

Applicants earnestly believe that they are entitled to letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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